

REMARKS

A. Amendment After Final

Pursuant to 37 CFR section 1.116, an amendment after final may be admitted touching the merits of the application upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented. The present amendment was not earlier presented because the prior art reference to which the present remarks are directed, Kinjo, was first presented on Final Rejection. As a result, Applicant has not been previously afforded an opportunity to address the reference. In addition, the subject matter of the amendment is analogous to claims previously pending in the patent application, claims 13 and 28, as a result no further searching should be required on the examiner's behalf. As a final matter, it is believed that the present amendments are necessary as the same place the case in condition for allowance and, therefore, should be entered. (See MPEP 714.12 reciting that "any amendment that will place the application . . . in condition for allowance . . . may be entered.")

B. Rejected Claims

Claim 1

Claim 1 was rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Garrett et al. in view of McKenney. Claim 1 has been amended to include features analogous to features previously recited in claim 13. To that end, amended claim 1 defines a system that includes, *inter alia*, a first controller responsive to a command received from a processor to commence transmission of data from a first random access memory location to a second random access memory location, wherein the command specifies the first and second random access memory locations, with the first controller monitoring operation of the processor to terminate the transmission of the data to the second random access memory location, before the quantity has been transmitted thereto, in response to the processor generating a write request to the second random memory location. In the Office action it is admitted that neither Garrett et al. nor McKenney discloses these features. (See Office Action page 13). It was alleged that "Kinjo discloses a system for transferring data from one memory location to another 'wherein in response to a write request for the second memory location prior to completion of the copy, the controller cancels complete of the copy for the part of the second memory location subject to the write request.'" See

id. In support of this contention cited was the Kinjo text bridging column 4, line 65 to column 5, line 3.

However, upon review of the aforementioned text Kinjo makes clear that transmission of data during a copy operation is never interrupted before the entire quantity of data to be copied occurs. Specifically, Kinjo states that write access occurs either upon completion of a memory copy operation, see column 2, lines 60-65, or before the memory operation is performed, see column 2, line 65 to column 3, line 3. As a result, Kinjo advocates that the canceling of a memory copy operation upon completion of the write access to the memories and before the memory copy operation is performed, i.e., there is no interruption of the copying of data during the memory copy operation. See *id.* As a result, Applicant respectfully contends that Kinjo teaches away from the claimed invention in which the transmission of the data to the second random access memory location is terminated, before the quantity has been transmitted thereto, in response to the processor generating a write request to the second random memory location.

Moreover none of the remaining prior art references overcome the deficiencies of Kinjo. Therefore, based upon the foregoing, Applicant respectfully contends that a *prima facie* case of obviousness is not present with respect to claim 1, as amended.

Claim 22

Claim 22 is amended to define a method of operating a computer system that includes, *inter alia*, commencing transmission of a quantity of data from a first random access memory location to a he second random access memory location; and terminating the transmission of the data to the second random access memory location, before the quantity has been transmitted thereto, in response to a processor generating a write request to the second random memory location. Applicant respectfully submits that the arguments set forth above with respect to amended claim 1 apply with equal weight here and that a *prima facie* case of obviousness is not present with respect to the method defined by claim 22, as amended, therefore.

3. Dependent Claims

Considering that the dependent claims include all of the features of the independent claims from which they depend, the dependent claims are patentable to the extent that the independent claims are patentable. As a result, Applicant respectfully contends that a *prima facie* case of obviousness is not present with respect to the

dependent claims for the reasons set forth above with respect to the independent claims from which they depend.

Therefore, Applicant respectfully request further examination in view of the amendments and remarks set forth above. A Notice of Allowance is earnestly solicited. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6910. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP438). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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